

International Arbitration Group Allenovery

This book examines the intersection of EU law and international arbitration based on the experience of leading practitioners in both commercial and investment treaty arbitration law. It expertly illustrates the depth and breadth of EU law's impact on party autonomy and on the margin of appreciation available to arbitral tribunals. Since the Chinese economic reform was realized in the early 1990s, a significant revolution has been launched socially, economically, and politically in China. At present, China is an indispensable actor in the international arena, so that the transitions domestically bring about substantial influence on the whole world. Dynamics of Local Governance in China during the Reform takes close look at China's current transformation and its broader implications. Through their thought-provoking essays, the contributors to this volume dissect China's transformation by examining various topics in the field of contemporary China studies, such as rural industrialization, development of civic society, socio-economic transformation and local self-governance.

"This important book will be of great interest to arbitration lawyers, international lawyers and business people, as well as to academics, libraries, and students of dispute resolution."--Publisher's website.

The past decade has seen a veritable explosion of investment treaty and other arbitration claims brought against sovereigns. Many of those cases have been filed

before the International Centre for Settlement of Investment Claims (ICSID), which has its own self-contained rules for enforcement. Given this significant increase in sovereign cases and the issues attendant to sovereign immunity, this treatise is timely in addressing the various issues that arise in enforcing arbitral awards against sovereigns. One of the first questions posed to their counsel by clients considering the initiation of an arbitration proceeding against a sovereign state is whether and how the resulting award can be enforced. The origin of the client's question is usually based in some knowledge that a state possesses sovereign immunity, along with an uncertain concern about the exceptions to such immunity and the difficulties of enforcement against a sovereign's assets. This uncertainty is understandable, especially in light of the sometimes confusing and even contradictory court decisions in certain jurisdictions. It is these inquiries in their broadest application that form the subject of this treatise. With contributions by eminent and experienced practitioners of the multiple issues that have arisen in various jurisdictions and the key cases that have created the law of enforcement of obligations against sovereigns, this book will provide access to valuable information, add to the transparency of this subject and further spur the consistent development of this area of law. This book is divided into three parts. The first part is general in nature and includes chapters encompassing the subjects of sovereign immunity in general (including both immunity from jurisdiction and immunity from enforcement), treaty obligations to honor awards, diplomatic protection by a

claimant's government to obtain payment of awards, and conciliation and settlement. The second part of the book deals with the means of enforcing awards. Part three of this treatise addresses the enforcement issues that arise in specific jurisdictions in which enforcement against sovereign assets is often sought - in particular, the United States, the United Kingdom, Switzerland, France, The Netherlands, and South America.

International investment law is in a state of evolution. With the advent of investor-State arbitration in the latter part of the twentieth century - and its exponential growth over the last decade - new levels of complexity, uncertainty and substantive expansion are emerging. States continue to enter into investment treaties and the number of investor-State arbitration claims continues to rise. At the same time, the various participants in investment treaty arbitration are faced with increasingly difficult issues concerning the fundamental character of the investment treaty regime, the role of the actors in international investment law, the new significance of procedure in the settlement of disputes and the emergence of cross-cutting issues. Bringing together established scholars and practitioners, as well as members of a new generation of international investment lawyers, this volume examines these developments and provides a balanced assessment of the challenges being faced in the field.

Energy Dispute Resolution: Investment Protection, Transit and the Energy Charter Treaty is a compilation of written contributions prepared in the context of a conference organized by the Energy Charter Secretariat,

in cooperation with five other well-known legal institutions (the Arbitration Institute of the Stockholm Chamber of Commerce, the British Institute of International and Comparative Law, the International Centre for Settlement of Investment Disputes, the International Chamber of Commerce and the Permanent Court of Arbitration). This highly successful conference took place in Brussels in October 2009. Energy Dispute Resolution: Investment Protection, Transit and the Energy Charter Treaty focuses on investment arbitration under the Energy Charter Treaty (or ECT) and on transit dispute resolution under the ECT. Part I consists of a review of awards, decisions and other developments in ECT investment arbitrations, of which nearly 30 were in the public domain as of 1 January 2011. Part II deals with the relationship between bilateral investment treaties, the ECT as a multilateral investment treaty, and European Union (EU) law, and addresses the question of whether conflict between these legal systems is inevitable. In Part III, the book reviews the highly developed provisional application mechanism of the ECT, particularly in relation to Russia, which signed the ECT in 1994 but has never ratified it. Part IV deals with the energy transit provisions of the ECT and the Treaty's potential application with respect to East-West energy transit and supply disputes. The book also contains an Editor's Preface, introductory and closing remarks, a table of contents, a detailed index, and an Appendix in the form of a CD-ROM containing the rules of arbitration of the three international arbitration mechanisms provided by the ECT (ICSID, SCC and ad

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hoc UNCITRAL arbitration). The book is of international application, particularly within the 51-country Energy Charter constituency (Western, Central and Eastern Europe, the former Soviet Union, Japan, Turkey, Mongolia and Australia), but is relevant to energy and international arbitration lawyers worldwide.

The 2007 volume of Contemporary Issues in International Arbitration and Mediation - The Fordham Papers is a collection of important works in international arbitration and mediation written by the prominent speakers at the 2007 Fordham Law School Conference on International Arbitration and Mediation. The 24 papers are organized into the following five parts: Part I: Investor-State Arbitration Part II: Conduct of International Arbitration and Jurisdictional Issues Part III: Remedies and Defenses Part IV: Ethics Issues in International Arbitration Part V: Mediation

"This book, the outgrowth of a conference organized by the editors at Harvard Law School on April 19, 2008, aims to uncover the drivers behind the backlash against the current international investment regime."--Library of Congress Online Catalog.

The Investment Treaty Forum of the British Institute of International and Comparative Law brings together eminent practitioners, arbitrators, and academics in the dynamic area of international investment law. Members of the Forum, under the British Institute's auspices, examine and debate the

legal and policy issues presented by the increasingly complex web of investment treaties and the disputes that arise under them. The Forum held two conferences in 2007: the present volume compiles the papers presented at the conferences as well as a transcript of the round-table discussion on the subject of 'precedent' in international investment arbitration that featured some of the foremost authorities on the subject. Part I of the book is devoted to remedies, compensation and valuation in international investment disputes. This under-theorized area of law is ripe for further exploration by lawyers and economists, and the papers in this volume present a framework for further inquiry. Papers in Part II address the jurisprudence emerging from investment arbitration tribunals on issues such as fair and equitable treatment, 'umbrella' clauses, and nationality of claimants. The overarching question addressed by the papers, and by the concluding roundtable, is the relationship of those decisions with general international law and whether or not there is, or should be, a doctrine of precedent in investment treaty arbitration.

Contemporary and Emerging Issues on the Law of Damages and Valuation in International Investment Arbitration, edited by Christina L. Beharry, examines a broad range of damages topics, building on basic principles and surveying current developments to identify trends in the jurisprudence.

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Based on original research, and bringing together expert contributors, this book provides a critical analysis of the current law and policy between the EU and China, both internally and internationally. Covering key topics on the subject, this book draws together diverse perspectives into a single collection, and is an invaluable tool for both scholars and practitioners of trade and investment law, as well as human rights and environmental law and policy. Written by today's leading arbitrators and counsel, this remarkably candid guide provides insight into the practitioner's approach, conduct, style, and techniques that have proven most effective. While the facts and the law are fundamental, a successful outcome is the product of painstaking document review, witness interviews, legal research, strategizing and focusing the case, and developing compelling written and oral presentations. How to properly perform these tasks is the subject of this book. And where the first edition focused mainly on the cultural differences in advocacy performed in various regions of the world, this new edition expands on this theme by addressing each functional aspect of an international arbitration and the techniques that have been developed for good written and oral advocacy. Intended to assist both the novice in learning the techniques of advocacy, and the experienced advocate in improving his skills, this is an essential reference.

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International arbitration faces the challenge of the exponential increase in the volume of electronically stored information. While there has been a convergence in the accepted scope of disclosure in international arbitration (chiefly reflected in the IBA Rules on Evidence) there is widespread concern about the potential burdens of disclosure of electronic documents, with regard to the litigation experience. Arbitrators are rapidly having to come to terms with these issues in an arbitration context, in order to meet the needs and expectations of the parties. A number of arbitration institutions are currently considering rule changes or protocols to address the disclosure of electronic documents. This publication analyses the procedural, practical and technical issues and addresses the appropriate approach to electronic disclosure in international arbitration, including those lessons and principles that can usefully be adapted from the litigation experience. Contributors include leading arbitrators, arbitration counsel, in-house counsel and IT experts, including leading experts in the field of electronic data management.

Essays on leading cases of international investment law. There's never been a greater likelihood a company and its key people will become embroiled in a cross-border investigation. But emerging unscarred is a challenge. Local laws and procedures on corporate offences differ extensively - and can be contradictory. To extricate oneself with minimal cost requires a nuanced ability to blend understanding of the local law with the wider dimension and, in particular, to understand where the different countries showing an interest will differ in approach, expectations or conclusions. Against this backdrop, GIR has published the second edition of *The Practitioner's Guide to Global Investigation*. The book is divided into two parts with chapters written exclusively by leading names in the field. Using US and UK practice and

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procedure, Part I tracks the development of a serious allegation (whether originating inside or outside a company) - looking at the key risks that arise and the challenges it poses, along with the opportunities for its resolution. It offers expert insight into fact-gathering (including document preservation and collection, witness interviews); structuring the investigation (the complexities of cross-border privilege issues); and strategising effectively to resolve cross-border probes and manage corporate reputation. Part II features detailed comparable surveys of the relevant law and practice in jurisdictions that build on many of the vital issues pinpointed in Part I.

For this work, editors Stephen K. Huber and Ben H. Sheppard, Jr. and the University of Houston Law Center collaborate with the American Arbitration Association (AAA), to revive the tradition of publishing an annual survey of important developments in arbitration and the law. Initially published as the "AAA General Counsel's Annual Report" and later as "ADR & the Law," the annual survey has not been published since 2007. The Yearbook will once again be produced on an annual basis. The AAA Yearbook on Arbitration and the Law provides arbitrators and busy practitioners a practical, relevant and readily accessible resource, organized into two parts: Part One contains digests of important decisions of the United States Supreme Court, the United States Court of Appeals and state supreme courts. This volume includes digests of selected judicial decisions from 2007 through 2009, and is current through October 1, 2010. The book contains 130 case digests, together with citations and descriptive cross-references to more than 400 related decisions. Recognizing the important role of arbitration in the global economy, there is a separate chapter containing digests and cross-references to cases dealing with the unique issues presented in international arbitrations. Part

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Two consists of articles that address a wide range of timely and important arbitration topics, including a comprehensive report on the extraordinary range of services that the AAA provides and a detailed overview of the international activities of the AAA/ICDR, including a report on the successful implementation of the ICDR's pre-arbitral emergency arbitrator procedure, the first such procedure to be adopted by any arbitral institution as a standard part of its rules. Other articles address some of the hottest topics in domestic and international arbitration, such as a survey on the status of "manifest disregard of the law" as a basis to vacate an arbitral award; arbitral cost allocation decisions and whether guidelines should accompany arbitral discretion; a tenth anniversary reflection on experience under The Revised Uniform Arbitration Act; problems posed by arbitrator disclosure and implications of a duty to investigate; whether a private international arbitration falls within "foreign or international" tribunal under 28 U.S.C. Section 1782; and several timely practice pointers for parties seeking discovery in aid of arbitration. The AAA Yearbook re-establishes itself as the preeminent annual yearbook on Arbitration and Dispute Resolution in the United States. It is a required and necessary reference work for all who wish to stay on top of the latest trends, developments, cases and guidelines – accompanied by expert commentary and analysis – in Arbitration and Dispute Resolution.

With its practical, problem-solving approach, this book provides corporate counsel, international lawyers, and business people, as well as students of dispute resolution, with a realistic picture of dispute settlement practices in business transactions in China today.

Central and Eastern Europe (CEE) is the testing ground for investment arbitration in Europe: the majority of the cases against EU Member States are proceedings launched against

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countries from the region. Despite their relevance, CEE experiences have not been analysed in a comprehensive manner. This book is the first of its kind to present an extensive collection of case law on investment arbitration within Europe. Contributors provide contextual analysis, taking political, economic and regulatory factors in to account, to create an accessible text for practitioners and scholars alike.

Global Arbitration Review's *The Guide to Energy Arbitrations* is an essential desk-top reference tool for energy companies, their advisers and arbitrators, bringing together a number of pre-eminent authors and pulling together the latest and best approaches to the myriad issues confronted in today's energy disputes. J William Rowley QC of 20 Essex St, acts as General Editor, editors are Doak Bishop of King & Spalding and Gordon Kaiser, with contributions from leading firms across the world. The book has 18 chapters split into 4 sections: I. Investor-State Disputes in the Energy Sector II. Commercial Disputes in the Energy Sector III. Contractual Terms IV. Procedural Issues in Energy Arbitrations.

“The Guide to Energy Arbitration is a very useful and unique contribution to the literature in the area...it...assembles the views and insights of leading counsel and arbitrators on many of the key issues and trends in the energy arbitration world. It should be a valuable guide to energy companies and their internal and external counsel, in addition to being of interest to commercial and litigation lawyers

generally."e; - Glenn Zacher, Partner, Stikeman Elliot

Since China adopted its 'open door' policy in 1978, which altered its development strategy from self-sufficiency to active participation in the world market, its goal has remained unchanged: to assist the readjustment of China's economy, to coordinate its modernization programs, and to improve its quality of life. With the 1997 launch of the 'Going Global' policy, an outward focus regarding foreign investment was added, to circumvent trade barriers and improve the competitiveness of Chinese firms. In order to accommodate inward and outward investment, China's participation in the international investment regime has underpinned its efforts to join multilateral investment-related legal instruments and conclude international investment agreements. This collection, compiled by award-winning scholar Professor Julien Chaisse, explores the three distinct tracks of China's investment policy and strategy: bilateral agreements including those with the US and the EU; regional agreements including the Free Trade Area of the Asia Pacific; and global initiatives, spear-headed by China's presidency of the G20 and its 'Belt and Road initiative'. The book's overarching topic is whether these three tracks compete with each other, or whether they complement one another - a question of profound importance for the country's political and economic future and world

investment governance.

This volume brings together significant contributions from leading voices in academia, the legal profession and government on the increasingly important topic of international investment and the legal system in which it operates. With the burgeoning size of international capital flows matched only by an explosion in international agreements intending to regulate the field, there is increasing potential for incoherence amongst and between treaties and arbitral decisions. Appeals Mechanism in International Investment Disputes compiles, compares and contrasts the analysis and arguments of the leading scholars, practitioners and government officials on the future of the international investment law regime. Its special emphasis is on the question of an appellate body for international investment disputes. The authors also seek ways to streamline and improve the system, channeling the benefits of free trade and investment flows to people in both the developing and emerging markets. The Appendices provide readers with extensive background material to place the chapters into context. Selected sections include concise commentaries to further illuminate the timely themes covered by the chapters. The volume is singular in its success at bringing together so many exceptional individuals on a question of growing import-how to improve the international law regime to increase

prosperity and further global development. If a reader wants to know what the influential voices in international law are saying right now, and in a concise and readable format, this is the publication to have.

The 2012 volume of Contemporary Issues in International Arbitration and Mediation: The Fordham Papers is a collection of important works in the field written by the speakers at the 2012 Fordham Law School Conference on International Arbitration and Mediation, held in London.

Doing Business in China provides over 3,000 pages of extensive and comprehensive analysis on Chinese business and commercial law and practice. This work is the most thorough reference and guide to all major areas of business law and investment in the People's Republic of China, and offers a wide-ranging analysis and commentary on Chinese business laws. For over thirty years Doing Business in China has been one of the premier sources of practical information and analysis on issues affecting foreign investment in China. This multi - volume treatise captures the collective experiences and knowledge of prominent practitioners and business and legal experts with respect to the essential areas of PRC investment and commercial law. Designed for those who are either planning to invest in China or who already have an established presence, Doing Business in China provides a detailed examination of

all relevant legislation and practice in China that affects business and investment. It also closely examines key issues and potential pitfalls involved in all areas of business and investment.

Corporate counsel, arbitrators and lawyers discuss their experiences with advocates in international arbitration, their expectations of good advocacy in a critical analysis of The ASA Charter of Advocacy in International Commercial Arbitration. Issues discussed include: Differences in Culture and Style Evolution of the Role Model Over Time The Relationship with the Client and the Tribunal The Relationship with Witnesses and Experts The Use of Consultants and Their Management Contributing Authors: Sheila Ahuja Matthew Gearing Bernard Hanotiau Henry Peter Jeffrey Waincymer In Reshaping the Investor-State Dispute Settlement System, Jean E. Kalicki and Anna Joubin-Bret offer a broad compendium of practical suggestions for reform of the current system of resolving international investment treaty disputes through arbitration.

This Commentary gives a detailed description of the meaning and application of the ICSID Convention. Enforcement of Arbitral Awards Against Sovereigns Juris Publishing, Inc.

This major new commentary on the ICSID Convention, Regulations and Rules offers a new, forward-looking and highly practical interpretation of

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the convention and its associated documents. It is the first commentary to provide systematic article-by-article coverage not only of the Convention itself, but also of the institution rules, the ICSID arbitration rules and the ICSID administrative and financial regulations. Written by a team of leading experts from private practice, government and academia, this uniquely comprehensive work will be an essential resource for those in the investment arbitration community, and a turn-to reference work for international investment law and international arbitration scholars.

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